

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
UC PETITION

DO NOT WRITE IN THIS SPACE

Case No.
13-UC-246227Date Filed
8/8/19

INSTRUCTIONS: Unless a Filed using the Agency's website, <https://www.nlrb.gov>, submit an original of this Petition to an NLRB office in the Region in which the employer concerned is located.

1. PURPOSE OF THIS PETITION: UC - UNIT CLARIFICATION - A labor organization is currently recognized by the Employer, but the Petitioner seeks clarification of the placement of certain employees or job classifications. The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority pursuant to Section 9 of the National Labor Relations Act.

2a. Name of Employer National Football League		2b. Address(es) of Establishment(s) involved (Street and number, city, state, ZIP code) 345 Park Avenue N.Y., NY 1015	
3a. Employer Representative - Name and Title Roger Goodell; Commissioner		3b. Address (If same as 2b - state same) Same	
3c. Tel. No. (212) 450-2000	3d. Cell No.	3e. Fax No.	3f. E-Mail Address
4a. Type of Establishment (Factory, mine, wholesaler, etc.) Corporate Headquarters		4b. Principal product or service Sports Entertainment	
5a. Description of Present Unit Included: All players in every position group are represented by one bargaining unit Excluded: No players are excluded			5b. No. of Employees in Present Unit 1,696
5a. Description of Proposed Unit Included: Includes employees in skill group RB. These employees have unique career structures; and the current one-size fits all unit is inappropriate Excluded: All other player groups			5b. No. of Employees in Proposed Unit 160-190
7. City and State where unit is located Chicago, IL		8. Check One: <input type="checkbox"/> Unit previously certified in Case <input checked="" type="checkbox"/> Unit not previously certified	
9. Job classifications of employees as to whom the issue is raised and number of employees in each classification Offensive skill position group (RB) Employee population 160-190			
10. Reason Why Petitioner Desires Clarification The new mini-max rookie wage contract is economically harmful to workers in skill group (RB), but advantageous to players in skill group (QB).			
11a. Name of Recognized or Certified Bargaining Agent De Maurice Smith		11b. Address 1133 20th St N.W. Washington, DC 20036	
11c. Tel. No. 1(800) 372-2000	11d. Cell No.	11e. Fax No.	11f. E-Mail Address
11g. Affiliation, if any NFLPA	11h. Date of Recognition or Certification		11i. Expiration Date of Current or Most Recent Contract, if any (Month, Day, Year) 8/1/2021
12. Organizations or persons other than Petitioner and those named in item 11, who claim to represent any employees affected by the proposed clarifications. (If none, so state)			
12a. Name N/A	12b. Address	12c. Tel. No.	12d. Cell No.
		12e. Fax No.	12f. E-Mail Address
12g. Brief Description of Contract Covering those Employees N/A			
13a. Full Name of Petitioner (including local name and number if applicable) (b) (6), (b) (7)(C)		13b. Address (Street and number, city, state, ZIP code) (b) (6), (b) (7)(C)	
13c. Full name of national or international labor organization of which Petitioner is an affiliate or constituent (if none, so state) International Brotherhood of Professional Running Backs			
13d. Tel. No. (b) (6), (b) (7)(C)	13e. Cell No.	13f. Fax No.	13g. E-Mail Address (b) (6), (b) (7)(C)
14. Representative of the Petitioner who will accept service of all papers for purposes of the representation proceeding.			
14a. Name (b) (6), (b) (7)(C)		14b. Address (Street and number, city, state, ZIP code) (b) (6), (b) (7)(C)	
14c. Tel. No. (b) (6), (b) (7)(C)	14d. Cell No.	14e. Fax No.	14f. E-Mail Address
I declare that I have read the above petition and that the statements are true to the best of my knowledge and belief.			
Name (Print) (b) (6), (b) (7)(C)	Signature (b) (6), (b) (7)(C)	Title (b) (6), (b) (7)(C)	Date 8/6/2019

WILLFUL FALSE STATEMENTS ON THIS PETITION CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74842-43 (Dec. 13, 2006). The NLRB will not release this information to the public. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlr.gov
Telephone: (312)353-7570
Fax: (312)886-1341



Download
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August 8, 2019

Roger Goodell, Commissioner
National Football League
345 Park Avenue
New York, NY 10154-0004

Re: National Football League
Case 13-UC-246227

Dear Mr. Goodell:

Enclosed is a copy of a petition that International Brotherhood of Professional Running Backs filed with the National Labor Relations Board (NLRB) seeking to determine whether certain employees should be part of the existing collective-bargaining unit. This letter tells you how to contact the Board agent who will be handling this matter, explains your right to be represented, requests that you provide certain information, and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Ximena P. Molano whose telephone number is (312)353-4238 and e-mail address is ximena.molano@nlrb.gov. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Assistant to the Regional Director Daniel N. Nelson whose telephone number is (312)886-3036.

Immediately upon receipt of the petition, the NLRB conducts an impartial investigation to determine if the NLRB has jurisdiction and if the petition is timely and properly filed, and the parties' positions with respect to the clarification sought by the petition.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, www.nlr.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the NLRB. Their knowledge regarding this matter was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Requested Information: To process the petition in this matter, we need certain information from you. Accordingly, please submit to this office, as soon as possible, the following information:

- (a) The correct name of your organization;
- (b) A copy of any existing or recently expired collective-bargaining agreements, and any addenda or extensions, covering any employees in the collective-bargaining unit specified on the petition (the Unit);
- (c) A copy of any certification covering any of the employees in the Unit;
- (d) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the Unit or any other entity who would be affected by the proposed clarification;
- (e) Documents showing the classifications, duties and responsibilities of employees covered by the Unit, including the number of employees in the Unit, the classifications and number of employees sought to be included or excluded, and the job duties and responsibilities of the employees sought to be included or excluded;
- (f) Your position on the proposed clarification of the Unit; and
- (g) A completed commerce questionnaire, (form enclosed) to enable us to determine whether the NLRB has jurisdiction in this matter.

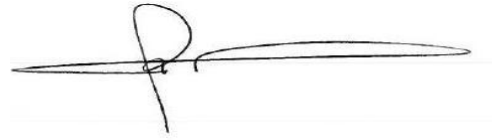
Procedures: Enclosed is Form NLRB-5548 which explains NLRB procedures in unit clarification cases. We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the NLRB will continue to accept timely filed paper documents. On all your correspondence regarding the petition, please include the case name and number indicated above.

Information about the NLRB, the procedures we follow in representation cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request.

August 8, 2019

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to be 'P. Ohr', written over a horizontal line.

Peter Sung Ohr
Regional Director

XPM/dg
Enclosures

1. Copy of Petition
2. Commerce Questionnaire
3. Description of Procedures in Unit Clarification Cases (Form NLRB-5548)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
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Download
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August 8, 2019

(b) (6), (b) (7)(C)

International Brotherhood of Professional Running Backs
1440 West Taylor Street, Suite 331
Chicago, IL 60607

Re: National Football League
Case 13-UC-246227

Dear (b) (6), (b) (7)(C)

The petition that you filed with the National Labor Relations Board (NLRB) seeking to determine whether certain employees should be part of the existing collective-bargaining unit has been given the above number. This letter tells you how to contact the Board agent who will be handling this matter, explains your right to be represented, requests that you provide certain information, and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Ximena P. Molano whose telephone number is (312)353-4238 and e-mail address is ximena.molano@nlrb.gov. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Assistant to the Regional Director Daniel N. Nelson whose telephone number is (312)886-3036.

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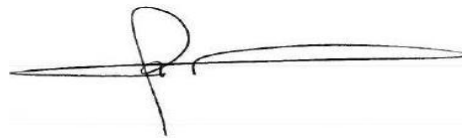
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- (c) A copy of any certification covering any of the employees in the Unit;
- (d) The name and contact information for any other labor organization (union) claiming to represent any of the employees in the Unit or any other entity who would be affected by the proposed clarification; and
- (e) Documents showing the classifications, duties and responsibilities of employees covered by the Unit, including the number of employees in the Unit, the classifications and number of employees sought to be included or excluded, and the job duties and responsibilities of the employees sought to be included or excluded.

Procedures: Enclosed is Form NLRB-5548 which explains NLRB procedures in unit clarification cases. We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the NLRB will continue to accept timely filed paper documents. On all your correspondence regarding the petition, please include the case name and number indicated above.

Information about the NLRB, the procedures we follow in representation cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read 'P. Ohr', with a long horizontal line extending to the right.

Peter Sung Ohr
Regional Director

XPM/dg
Enclosure:
Description of Procedures in Unit Clarification Cases (Form NLRB-5548)



UNITED STATES GOVERNMENT
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Download
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August 8, 2019

De Maurice Smith
National Football League Players Association
1133 20th Street, N.W.
Washington, D.C. 20036

Re: National Football League
Case 13-UC-246227

Dear Mr. Smith:

Enclosed is a copy of a petition that International Brotherhood of Professional Running Backs filed with the National Labor Relations Board (NLRB) seeking to determine whether certain employees should be part of the existing collective-bargaining unit. This letter tells you how to contact the Board agent who will be handling this matter, explains your right to be represented, requests that you provide certain information, and discusses some of our procedures including how to submit documents to the NLRB.

Investigator: This petition will be investigated by Field Examiner Ximena P. Molano whose telephone number is (312)353-4238 and e-mail address is ximena.molano@nlrb.gov. The Board agent will contact you shortly to discuss processing the petition. If you have any questions, please do not hesitate to call the Board agent. If the agent is not available, you may contact Assistant to the Regional Director Daniel N. Nelson whose telephone number is (312)886-3036.

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August 8, 2019

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- (a) The correct name of your organization;
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- (c) A copy of any certification covering any of the employees in the Unit;
- (d) Your position on the proposed clarification of the Unit;

Procedures: Enclosed is Form NLRB-5548 which explains NLRB procedures in unit clarification cases. We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, www.nlr.gov. However, the NLRB will continue to accept timely filed paper documents. On all your correspondence regarding the petition, please include the case name and number indicated above.

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Very truly yours,

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Peter Sung Ohr
Regional Director

XPM/dg
Enclosures

- 1. Copy of Petition
- 2. Description of Procedures in Unit Clarification Cases (Form NLRB-5548)

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

National Football League

and

International Brotherhood of Professional Running Backs

and

National Football League Players Association

CASE 13-UC-246227

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
National Football League Players Association

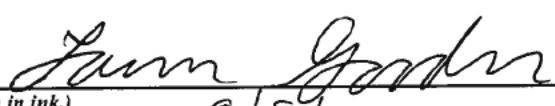
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☐ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Laurence M. Goodman
MAILING ADDRESS: Willig, Williams & Davidson, 1845 Walnut Street, 24th Floor, Philadelphia, PA 19103
E-MAIL ADDRESS: lgoodman@wwdlaw.com
OFFICE TELEPHONE NUMBER: 215-656-3608
CELL PHONE NUMBER: _____ FAX: 215-561-5135
SIGNATURE: 
(Please sign in ink.)
DATE: 8/9/19

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

NATIONAL FOOTBALL LEAGUE, Employer, and INTERNATIONAL BROTHERHOOD OF PROFESSIONAL RUNNING BACKS, Petitioner.

CASE 13-UC-246227

<input checked="" type="checkbox"/> REGIONAL DIRECTOR	<input type="checkbox"/> EXECUTIVE SECRETARY NATIONAL LABOR RELATIONS BOARD Washington, DC 20570	<input type="checkbox"/> GENERAL COUNSEL NATIONAL LABOR RELATIONS BOARD Washington, DC 20570
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THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____

National Football League

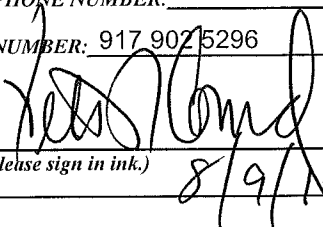
IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

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(REPRESENTATIVE INFORMATION)

NAME: <u>Peter D. Conrad, Esq., Proskauer Rose LLP</u>	
MAILING ADDRESS: <u>Eleven Times Square, New York, NY 10036</u>	
E-MAIL ADDRESS: <u>pconrad@proskauer.com</u>	
OFFICE TELEPHONE NUMBER: <u>212 969 3020</u>	
CELL PHONE NUMBER: <u>917 902 5296</u>	FAX: <u>212 969 2900</u>
SIGNATURE: <u></u> (Please sign in ink.)	
DATE: <u>8/9/19</u>	

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CERTIFICATE OF SERVICE

Employer Name: National Football League

Service on the Employer

I hereby certify that on 8/23/2019 (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were served on the Employer by: (check whichever is applicable)

- ☒ e-mail to the email address shown on the petition.
- ☐ facsimile (with the permission of the Employer) to the facsimile number shown on the petition.
- ☐ overnight mail to the mailing address shown on the petition.
- ☐ hand-delivery to _____ (name of Employer's representative) at the following address: _____.

Service on the Other Party Named in the Petition

I hereby certify that on 8/23/2019 (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on National Football League Players Association (name of party or parties) by: (check whichever is applicable)

- ☒ email to the email address shown on the petition.
- ☐ facsimile (with the permission of the party) to the facsimile number shown on the petition.
- ☐ overnight mail to the mailing address shown on the petition.
- ☐ hand-delivery to _____ (name of party's representative) at the following address: _____.

Service on the Other Party Named in the Petition

I hereby certify that on _____ (date), a copy of the petition involving the Employer named above, a Statement of Position (Form NLRB-505), and a Description of Procedures (Form NLRB-4812) were also served on _____ (name of party or parties) by: (check whichever is applicable)

- ☐ email to the email address shown on the petition.
- ☐ facsimile (with the permission of the party) to the facsimile number shown on the petition.
- ☐ overnight mail to the mailing address shown on the petition.
- ☐ hand-delivery to _____ (name of party's representative) at the following address: _____.

(b) (6), (b) (7)(C)

Signature

(b) (6), (b) (7)(C)

Name and Title

8/23/2019

Date

NLRB Region 13
Case No. 13-UC-246227.

Certificate of Service

I (b) (6), (b) (7)(C) Petitioner in the above captioned case, certify on oath and under penalty of perjury; that I served a copy of a Unit Clarification Petition upon the employer National Football League. The petition was served by regular mail on August 24, 2019 before 5:00 pm. at 345 Park Avenue, NY,NY 10154.

Furthermore I declare that I have failed in two prior attempts to serve the petition by email or fax. The respondent employer has not returned phone calls to provide the correct email address where they can be reached for service of the petition.

(b) (6), (b) (7)(C)

Dated: 8/24/2019

Contact:

(b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 13
Dirksen Federal Building
219 South Dearborn Street, Suite 808
Chicago, IL 60604-2027

Agency Website: www.nlrb.gov
Telephone: (312)353-7570
Fax: (312)886-1341

September 17, 2019

Via Email Unless Otherwise Indicated

(b) (6), (b) (7)(C)

International Brotherhood of Professional Running Backs
1440 West Taylor Street, Suite 331
Chicago, IL 60607

(b) (6), (b) (7)(C)

Re: National Football League
Case 13-UC-246227

Dear (b) (6), (b) (7)(C)

The above-captioned case, petitioning for an investigation and determination of representative under Section 9(c) of the National Labor Relations Act, has been carefully investigated and considered.

Decision to Dismiss: Based upon the results of the administrative investigation, I have concluded that further proceedings are not warranted.

The International Brotherhood of Professional Running Backs (the “Petitioner”) filed a unit clarification petition seeking to clarify a wall-to-wall bargaining unit of all players employed by the National Football League (the “Employer”). The Petitioner seeks to clarify the unit to separate out the running backs because they have unique career structures, the current one-size fits all unit is inappropriate, and the new mini-max rookie wage contract is economically harmful to running backs but advantageous to quarterbacks.

The wall-to-wall bargaining unit, which includes running backs, is currently represented by the National Football Players Association (the “Intervenor”) and is covered by the collective-bargaining agreement between the Employer and the Intervenor, effective August 4, 2011, through the end of the 2020 NFL League year.¹ The Petitioner is not party to the collective-bargaining agreement.

The Board, in *Union Electric Co.*, 217 NLRB 666, 667 (1975), explained that a unit clarification petition is:

¹ The Preamble of the collective-bargaining agreement includes a recognition clause which identifies the bargaining unit as, “(1) All professional football players employed by a member club of the National Football League; (2) All professional football players who have been previously employed by a member club of the National Football League who are seeking employment with an NFL Club; (3) All rookie players once they are selected in the current year’s NFL College Draft; and (4) All undrafted rookie players once they commence negotiation with an NFL Club concerning employment as a player.”

...appropriate for resolving ambiguities concerning the unit placement of individuals who, for example, come within a newly established classification of disputed unit placement or, within an existing classification which has undergone recent, substantial changes in the duties and responsibilities of the employees in it so as to create a real doubt as to whether the individuals in such classification continue to fall within the category – excluded or included – that they occupied in the past. Clarification is not appropriate, however, for upsetting an agreement of a union and employer or an established practice of such parties concerning the unit placement of various individuals. even if the agreement was entered into by one of the parties for what it claims to be mistaken reasons or the practice has become established by acquiescence and not express consent.

The investigation revealed that the running backs are not a newly established classification nor has the classification undergone any recent, substantial changes in their duties and responsibilities. The Employer and Intervenor have an established collective-bargaining relationship wherein their collective bargaining agreement sets forth the unit placement of all employees in the bargaining unit. The facts are devoid of any basis upon which to proceed with a unit clarification petition.

Based on the foregoing, further processing of the petition is not warranted, and I am dismissing the petition.

Right to Request Review: Pursuant to Section 102.67 of the National Labor Relations Board's Rules and Regulations, you may obtain a review of this action by filing a request with the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. The request for review must contain a complete statement of the facts and reasons on which it is based.

Procedures for Filing Request for Review: A request for review must be received by the Executive Secretary of the Board in Washington, DC, by close of business (**5 p.m. Eastern Time**) on **October 1, 2019**, unless filed electronically. If filed electronically, it will be considered timely if the transmission of the entire document through the Agency's website is **accomplished by no later than 11:59 p.m. Eastern Time on October 1, 2019.**

Consistent with the Agency's E-Government initiative, parties are encouraged, but not required, to file a request for review electronically. Section 102.114 of the Board's Rules do not permit a request for review to be filed by facsimile transmission. A copy of the request for review must be served on each of the other parties to the proceeding, as well as on the undersigned, in accordance with the requirements of the Board's Rules and Regulations.

Filing a request for review electronically may be accomplished by using the Efiling system on the Agency's website at www.nlrb.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt of the request for review rests exclusively with the sender. A failure to timely file the request for review will not be excused on the basis that the transmission could

not be accomplished because the Agency's website was off line or unavailable for some other reason, absent a determination of technical failure of the site, with notice of such posted on the website.

Upon good cause shown, the Board may grant special permission for a longer period within which to file a request for review. A request for extension of time, which may also be filed electronically, should be submitted to the Executive Secretary in Washington, and a copy of such request for extension of time should be submitted to the Regional Director and to each of the other parties to this proceeding. A request for an extension of time must include a statement that a copy has been served on the Regional Director and on each of the other parties to this proceeding in the same manner or a faster manner as that utilized in filing the request with the Board.

Very truly yours,

/s/Daniel N. Nelson

Daniel N. Nelson
Acting Regional Director

cc: Office of the Executive Secretary (by e-mail)

Roger Goodell, Commissioner
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